

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
(Alexandria Division)**

<b>ACCESS FOR THE DISABLED, INC., a</b>	:	
<b>Florida not for profit corporation, and</b>	:	
<b>DENISE PAYNE, Individually,</b>	:	
	:	
<b>Plaintiffs,</b>	:	<b>Case No. 1:09-cv-593</b>
	:	
<b>v.</b>	:	
	:	
<b>VIRGINIA HOSPITALITY, INC., A Virginia</b>	:	
<b>Corporation,</b>	:	
	:	
<b>Defendant.</b>	:	
_____	/ :	

**MOTION FOR ENTRY OF DEFAULT JUDGMENT**

The undersigned counsel, on behalf of Plaintiffs Access for the Disabled and Denise Payne, moves this honorable Court for entry of a default judgment against Defendant, Virginia Hospitality, Inc., in accordance with provisions of Rule 55 of the Federal Rules of Civil Procedure, and in support thereof shows the Court the following:

1. The Complaint in the above captioned matter was filed on May 27, 2009.
2. A Summons was issued against Defendant on May 29, 2009, but was never served.
3. On or about August 28, 2009, Plaintiffs filed a Motion to Substitute Counsel Sheila Thurmond Mayers with Attorney James T. Tsai.
4. On August 31, 2009, this Court granted Plaintiffs Motion for Substitution of Counsel.
5. On September 17, 2009, Plaintiffs filed an Amended Complaint.
6. On October 1, 2009, an Amended Summons was issued.
7. On October 20, 2009, Defendant was served with the Amended Complaint and Amended

Summons.

8. The Proof of Service filed with this Court on October 29, 2009 establishes that service was proper pursuant to Rule 5 of the Federal Rules of Civil Procedure.
  9. Defendant has failed to plead or otherwise respond to the Complaint.
  10. The applicable time limit for responding has expired.
  11. Defendant is not an infant or an incompetent person, nor in the military service.
  12. Plaintiff respectfully requests that the Court enter a Default Judgment for Plaintiffs and against Defendant.
  13. Pursuant to the provision of Rule 55 of the Federal Rules of Civil Procedure, this Court is empowered to enter a Default Judgment for relief sought by Plaintiff in his Complaint, and written notice of this action has been given to Defendant as set forth in the attached Affidavit.
- WHEREFORE, Plaintiff respectfully requests that this Court enter a judgment of default against Defendant.

Respectfully Submitted,

By: /s/ James T. Tsai  
James T. Tsai, Esq.  
VSB # 76141  
*Local Counsel for Plaintiffs*  
James Tsai, Attorney-at-law  
5915 Heritage Sq. Dr.  
Burke, VA 22015-3323  
(tel) 571-228-4888  
jtsai@jtt-law.com

AFFIDAVIT

I, James T. Tsai, Esquire, do hereby certify that the statements and allegations set forth in the foregoing Motion are true and accurate to the best of my knowledge and belief.

Dated: November 13, 2009.

By: /s/ James T. Tsai  
James T. Tsai, Esq.  
VSB # 76141  
*Local Counsel for Plaintiffs*  
James Tsai, Attorney-at-law  
5915 Heritage Sq. Dr.  
Burke, VA 22015-3323  
(tel) 571-228-4888  
jtsai@jtt-law.com

**CERTIFICATE OF SERVICE**

I certify that on November 13, 2009, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, and sent notice, by United States Postal Service to:

VIRGINIA HOSPITALITY, INC.  
c/o Charles E. Ayers, Registered Agent  
710 North Hamilton Street  
Richmond, VA 23221

By: /s/ James T. Tsai  
James T. Tsai, Esq.  
VSB # 76141  
*Local Counsel for Plaintiffs*  
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